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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,604	02/07/2001	Paul Magee	D-1131 R	4603

28995 7590 03/03/2004

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/778604

Applicant(s)

Myer

Examiner

Ables, g

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/16/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner on \_\_\_\_\_  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

**DETAILED ACTION**

***Response to Appeal Brief***

1. This action is issued in response to applicant's Appeal Brief(Paper #6) filed 12/16/03.
2. Prosecution is reopened.
3. Claims 1-43 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Amended claims 1-43 are rejected under 35 USC 103(a) as unpatentable over Sadler(US Pat. No:6,571,218)in view of Pare(US Pat. No:6,154,879) and further in view of Nicoll(US Pat. No: 6,484,936).
4. As per claims 1-43 Sadler teaches an automated teller machine(Abstract)(Fig 1/20) and which can dispense cash(Abstract) and a touchscreen display screen(Fig 1/16).Sadler teaches access for a plurality of users(Fig 1/12) as well as accepting interface parameters(Fig 3/14) or the users(Fig 4G/166) and utilizing keypad to enter ID parameters(Fig 4B/114).Sadler further teaches recording signatures of the users(Fig 4K/252). Sadler further teaches multiple terminals connected over a LAN(Fig 1/24) as well as a scanner(Fig 1/18) and a touchscreen display responsive to an interface parameter associated with the user(Fig 1/16). Sadler further teaches a tri-color light

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graphic to view lane detail(Fig 4A)(Fig 4D) and which is selectable(Fig 4E)as well as an operator ID number(Fig 4A/110) and a keypad to input data particular to the customer-user(Fig 4B/112).In addition to that taught by Sadler, Pare also teaches a biometric ATM access system utilizing a biometric database(Fig 1)(col 3 line 35-col 4 line 65) and responsive to sensing a characteristic of the user(Fig 4)determining the stored interface parameter associated with that user(Fig 10).Pare also teaches access to an ATM over the internet(in addition to those terminals as physically located)(Fig 1/2/3). Pare further teaches a biometric input device(Fig 3/12) operationally coupled to an ATM(Fig 3/2). Pare also teaches the customer-user entering biometric data and PIN(Fig 4) whereby the biometric is contained in an account access request message(Fig 4/19)(Fig 5)(Fig 6).Pare also teaches encryption at the BIA(Fig 7). Pare teaches storing individual data for a user with respect to primary biometrics, secondary biometrics, PIN, private code, financial account number list(Fig 10) as well as client's name(Fig 11) and a user ID(Fig 12) and an account index code and a sequence code. Pare also teaches a user ID process(Fig 12).Pare further teaches a safety feature of prior fraud history through utilization of as prior fraud database(Fig 15). In addition to that taught by Pare, Nicoll also teaches an audio input and output(Fig 1/18).Nicoll also teaches a visual recording means(Fig 2/114) as well as means for accommodating users of different heights and physical statures(col 1 lines 63-66) through moving. Nicoll also teaches entering transaction in a terminal(col 2 line 47) and identifying a user by sensing a physical trait or characteristic of the user(col 2 lines 47-49) and processing the transaction. Nicoll teaches a camera(video recording means)(Fig 1/14) a loudspeaker and speech

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generator(Fig 1/18)(which may also generate broadband white noise) and a microphone and speech processor(Fig 1/Fig 1/20)(audio means). Nicoll also teaches use of non-volatile memory(col 3 lines 29-31) and a cash dispenser slot in the face of the machine(col 3 lines 19-21). Nicoll also teaches a second embodiment (Fig 2) which permits a customer to avoid carrying a credit/debit card and thus reduces the possibility of fraud(ciol; 4 lines 20-67). It would have been obvious to one skilled in the art at the time of the invention to combine Sadler in view of Pare to teach part of applicant's disclosure. The motivation to combine Sadler in view of Pare is to teach a self service ATM system dispensing cash which is fraud resistant, practical and cost effective to deploy as enunciated by Pare(col 2 lines 62-67) and which can be utilized in checkout software system. It also would have been obvious to one skilled in the art at the time of the invention to combine Sadler in view of Pare and further in view of Nikell to teach applicant's disclosure. The motivation to combine Sadler in view of Pare in view of Nikell is to teach a self service ATM machine convenient for financial applications and which can accommodate applicants with varying physical requirements as enunciated by Nikell(col 1 lines 11-30) and in another embodiment can also reduce fraud(col.4 lines 64-67)

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Newly amended claims 1-43 are rejected under 35 USC 112(2nd) for failing to point out and particularly claim what applicant regards is the invention. The independent claims are indefinite.

***Response to Arguments***

7. Applicant's arguments with respect to amended claims 1-43 are moot in view of the new grounds of rejection.


***Conclusion***

8. **THIS ACTION IS MADE NON-FINAL.**

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9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



February 25, 2004

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER